

House File 215 - Introduced

HOUSE FILE 215

BY WILLS

A BILL FOR

1 An Act relating to schools identified for comprehensive
2 support and improvement by authorizing parents or guardians
3 to petition for the closure of an attendance center,
4 for implementation of an education voucher program, or
5 for establishment of a charter school, establishing an
6 education voucher fund, making appropriations, and providing
7 penalties.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 35. Adopt rules relating to applications
4 for an education voucher pursuant to section 256E.4, including
5 application processing timelines and information required to be
6 submitted by a parent or guardian.

7 Sec. 2. NEW SECTION. **256E.1 Definitions.**

8 1. "*Attendance center*" means a public school building
9 that contains classrooms used for instructional purposes for
10 elementary, middle, or secondary school students.

11 2. "*School board*" means a board of directors regularly
12 elected by the registered voters of a school district.

13 3. "*State board*" means the state board of education.

14 Sec. 3. NEW SECTION. **256E.2 Alternatives for schools**
15 **identified for comprehensive support and improvement — parent**
16 **petition.**

17 1. If an attendance center is identified for comprehensive
18 support and improvement under the federal Every Student
19 Succeeds Act, Pub. L. No. 114-95, the parents or guardians
20 of students enrolled at the attendance center may submit a
21 petition to the school board to either close the attendance
22 center pursuant to section 256E.3 or authorize education
23 vouchers for students of the attendance center under section
24 256E.4.

25 2. A valid petition under this section must state whether
26 the petition is requesting the closure of an attendance center
27 pursuant to section 256E.3 or the authorization of education
28 vouchers under section 256E.4, and must contain the signatures
29 of at least fifty percent of the parents or guardians whose
30 children are enrolled at the attendance center. A valid
31 petition under this section must be received by the school
32 board not later than December 1 of the school year preceding
33 the school year during which the requested action will be
34 implemented. A petition received after that deadline will be
35 considered a petition for the following school year if the

1 attendance center continues to meet the criteria of subsection
2 1.

3 3. Unless rulemaking is authorized for another state
4 agency, the state board shall, after consulting with the
5 department of education and the department of management, adopt
6 rules to implement and administer this chapter.

7 Sec. 4. NEW SECTION. 256E.3 Closure of attendance center —
8 reallocation of students.

9 1. If a valid petition for closure of an attendance center
10 is received by a school board under section 256E.2, the school
11 board shall formulate and implement a plan for the closure
12 of the attendance center and a plan for the reallocation of
13 students currently enrolled at the attendance center and those
14 students who would, but for the closure, be enrolled at the
15 attendance center during the next school year.

16 2. The plan for the reallocation of students to other
17 attendance centers in the school district shall include
18 objective criteria and standards and criteria for prioritizing
19 requests that do not have an adverse impact on the plan.

20 3. a. If other attendance centers in the school district
21 have insufficient classroom space to accommodate the students
22 from the attendance center that is proposed to be closed, the
23 school board shall not close the attendance center and shall
24 instead implement the education voucher program under section
25 256E.4.

26 b. Every school district shall adopt a policy that defines
27 the term "*insufficient classroom space*" for each attendance
28 center in that district that is consistent with the policy
29 adopted under section 282.18, subsection 2, paragraph "c".

30 Sec. 5. NEW SECTION. 256E.4 Education voucher program.

31 1. a. If a valid petition authorizing education vouchers
32 is received by a school board under section 256E.2, or if
33 section 256E.3, subsection 3, is applicable, students eligible
34 to enroll in kindergarten through grade twelve and who are
35 enrolled at the attendance center at the time the applicable

1 petition is filed are eligible to receive education vouchers.

2 *b.* Education vouchers shall be made available to parents
3 and guardians in the manner authorized under subsection
4 4, paragraph "c", for the payment of qualified educational
5 expenses as provided in this section.

6 2. *a.* (1) By January 31 preceding the school year for
7 which the education voucher is requested, the parent or
8 guardian of the student requesting to receive an education
9 voucher shall submit an application to the department of
10 education, on application forms developed by the department,
11 indicating that the parent or guardian intends to enroll the
12 student in a nonpublic school.

13 (2) In addition to other information deemed appropriate
14 by the department of education, the application shall require
15 certification from the nonpublic school of the student's
16 enrollment for the following school year.

17 *b.* By March 1 preceding the school year for which the
18 education voucher is requested, the department of education
19 shall notify the department of management of the number of
20 students designated for the following school year to receive
21 an education voucher. The department of education shall also
22 notify the parent or guardian of such students who are approved
23 to receive an education voucher.

24 *c.* Education vouchers shall only be approved for one school
25 year per application, and applications must be submitted under
26 paragraph "a" for education vouchers in subsequent school
27 years.

28 3. The department of management shall assign each student an
29 education voucher in an amount equal to seventy-five percent of
30 the district of residence's regular program district cost per
31 pupil in the same school year.

32 4. An education voucher fund is created in the state
33 treasury under the control of the department of management
34 consisting of moneys appropriated to the department of
35 management for the purpose of providing education vouchers

1 under this section. For the fiscal year commencing July 1,
2 2022, and each succeeding fiscal year, there is appropriated
3 from the general fund of the state to the department of
4 management to be credited to the fund the amount necessary
5 to pay all education vouchers approved for that fiscal year.
6 The director of the department of management has all powers
7 necessary to carry out and effectuate the purposes, objectives,
8 and provisions of this section pertaining to the fund,
9 including the power to do all of the following:

10 *a.* Make and enter into contracts necessary for the
11 administration of the fund.

12 *b.* Procure insurance against any loss in connection with the
13 assets of the fund or require a surety bond.

14 *c.* Contract with a private financial management firm to
15 manage the fund, in collaboration with the treasurer of state,
16 including providing for the disbursement of education vouchers
17 in the form of an electronic debit card or checks that are
18 payable directly from the student's account in the fund.

19 *d.* Conduct audits or other review necessary to properly
20 administer the program.

21 *e.* Adopt rules pursuant to chapter 17A for the
22 administration of the fund and accounts in the fund.

23 5. *a.* For each student approved for an education voucher,
24 the department of management shall establish an account for
25 that student in the education voucher fund. The student's
26 education voucher shall be deposited into the student's
27 account on July 1 and funds shall be immediately available
28 for the payment of qualified educational expenses incurred
29 by the parent or guardian for the student during that fiscal
30 year using the payment method authorized under subsection 4,
31 paragraph "c".

32 *b.* A nonpublic school or other entity that accepts payment
33 from a parent or guardian using funds from a student's account
34 in the education voucher fund shall not refund, rebate, or
35 share any portion of such payment with the parent, guardian,

1 or student.

2 *c.* Moneys remaining in a student's account upon conclusion
3 of the fiscal year shall remain in the student's account in the
4 education voucher fund for the payment of qualified educational
5 expenses in future fiscal years during which the pupil
6 participates in the program, unless subject to the transfer
7 required under subsection 8.

8 6. *a.* For purposes of this section, "*qualified educational*
9 *expenses*" includes tuition and fees at a nonpublic school,
10 textbooks, fees, or payments for educational therapies
11 including tutoring or cognitive skills training, curriculum
12 fees and materials for a course of study for a specific
13 subject matter or grade level, tuition or fees for nonpublic
14 online education programs, education materials and services
15 for students with disabilities including the cost of
16 paraprofessionals and assistants who are trained in accordance
17 with state law, and other expenses incurred by the parent or
18 guardian that are directly related to the education of the
19 student at a nonpublic school, including a nonpublic school
20 accredited by an independent accrediting agency approved by
21 the department of education. "*Qualified educational expenses*"
22 does not include transportation costs for the student, the cost
23 of food or refreshments consumed by the student, the cost of
24 clothing for the student, or the cost of disposable materials,
25 including but not limited to paper, notebooks, pencils, pens,
26 and art supplies.

27 *b.* For purposes of this section, "*nonpublic school*" means
28 the same as defined in section 285.16.

29 7. A person who makes a false claim for the purpose of
30 obtaining an education voucher provided for in this section or
31 who knowingly receives the voucher or makes a payment from an
32 account in the education voucher fund without being legally
33 entitled to do so is guilty of a fraudulent practice under
34 chapter 714. The false claim for an education voucher or a
35 payment from an account shall be disallowed. If amounts from

1 the voucher have been disbursed from the applicable account in
2 the education voucher fund, the department of management shall
3 initiate legal proceedings to recover such amounts. A parent
4 or guardian who violates this subsection is prohibited from
5 participating in the education voucher program in the future.

6 8. For each student with a positive balance in the student's
7 account in the education voucher fund upon graduation from
8 high school or upon termination of the student's enrollment in
9 the nonpublic school, moneys in the student's account shall be
10 transferred by the department for deposit in the general fund
11 of the state.

12 9. A nonpublic school that accepts payment from a parent or
13 guardian using funds from a student's account in the education
14 voucher fund is not an agent of this state or other political
15 subdivision of this state.

16 Sec. 6. Section 256F.3, subsection 2, paragraph a, Code
17 2021, is amended to read as follows:

18 a. (1) To receive approval to establish a charter school
19 in accordance with [this chapter](#), the principal, teachers, or
20 parents or guardians of students at an existing public school
21 shall submit an application to the school board to convert an
22 existing attendance center to a charter school. An attendance
23 center shall not enter into a charter school contract with a
24 school district under [this chapter](#) unless the attendance center
25 is located within the school district. The

26 (2) (a) Except as otherwise provided in subparagraph
27 division (b), the application shall demonstrate the support
28 of at least fifty percent of the teachers employed at the
29 school on the date of the submission of the application and
30 fifty percent of the parents or guardians voting whose children
31 are enrolled at the school, provided that a majority of the
32 parents or guardians eligible to vote participate in the ballot
33 process, according to procedures established by rules of the
34 state board.

35 (b) If the attendance center at which the charter school is

1 to be established is identified for comprehensive support and
2 improvement under the federal Every Student Succeeds Act, Pub.
3 L. No. 114-95, the application shall demonstrate the support of
4 at least fifty percent of the parents or guardians voting whose
5 children are enrolled at the school, provided that a majority
6 of the parents or guardians eligible to vote participate in the
7 ballot process, according to procedures established by rules
8 of the state board.

9 Sec. 7. Section 422.7, Code 2021, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 51. Subtract, to the extent included, the
12 amount of any education voucher under section 256E.4 received
13 during the tax year by a taxpayer authorized to spend such
14 voucher amounts for qualified educational expenses.

EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to schools identified for comprehensive
19 support and improvement under the federal Every Student
20 Succeeds Act, by authorizing parents or guardians to petition
21 for the closure of an attendance center, for implementation of
22 an education voucher program, or for establishment of a charter
23 school.

Under the bill, if an attendance center is identified for comprehensive support and improvement under the federal Every Student Succeeds Act, the parents or guardians of students enrolled at the attendance center may submit a petition to the school board to either close the attendance center or authorize education vouchers for students of the attendance center. A valid petition must state whether the petition is requesting the closure of an attendance center or the authorization of education vouchers, and must contain the signatures at least 50 percent of the parents or guardians whose children are enrolled at the attendance center. A valid petition must be received by the school board not later than December 1 of the school year

1 preceding the school year during which the requested action
2 will be implemented. A petition received after that deadline
3 will be considered a petition for the following school year
4 if the attendance center continues to meet the criteria for a
5 persistently lowest-achieving school.

6 If a valid petition for closure of an attendance center
7 is received, the school board shall formulate and implement
8 a plan for the closure of the attendance center and a plan
9 for the reallocation of students currently enrolled at the
10 attendance center and those students who would, but for the
11 closure, be enrolled at the attendance center during the next
12 school year. The bill requires the plan for the reallocation
13 of students to other attendance centers in the school district
14 to include objective criteria and standards and criteria for
15 prioritizing requests that do not have an adverse impact on
16 the plan. If other attendance centers in the school district
17 have insufficient classroom space to accommodate the students
18 from the attendance center proposed to be closed, the school
19 board shall not close the attendance center but shall instead
20 implement the education voucher program established in the
21 bill.

22 Under the bill, the following students shall be eligible
23 to receive an education voucher: (1) students eligible to
24 enroll in kindergarten through grade 12 who are enrolled at an
25 attendance center at the time a petition authorizing education
26 vouchers is filed with the school board and (2) students
27 eligible to enroll in kindergarten through grade 12 who are
28 enrolled at an attendance center that is proposed to be closed
29 under the bill and for whom there is insufficient classroom
30 space at other attendance centers in the school district.

31 By January 31 preceding the school year for which the
32 education voucher is requested, the parent or guardian of
33 the student requesting to receive an education voucher shall
34 submit an application to the department of education, on
35 application forms developed by the department, indicating

1 that the parent or guardian intends to enroll the student in
2 a nonpublic school. In addition to such information deemed
3 appropriate by the department of education, the application
4 shall require certification from the nonpublic school of the
5 student's enrollment for the following school year. By March
6 1 preceding the school year for which the education voucher
7 is requested, the department of education shall notify the
8 department of management of the number of students designated
9 for the following school year to receive an education voucher.
10 The department of education shall also notify the parent or
11 guardian of such students who are approved to receive an
12 education voucher.

13 The bill authorizes education vouchers to be approved for
14 one school year per application, and additional applications
15 must be submitted for education vouchers in subsequent school
16 years. The education voucher is in an amount equal to 75
17 percent of the district of residence's regular program district
18 cost per pupil in the same school year.

19 For the fiscal year commencing July 1, 2022, and each
20 succeeding fiscal year, the bill appropriates from the general
21 fund of the state to the department of management to be
22 credited to the education voucher fund an amount necessary to
23 pay all education vouchers approved for that fiscal year. For
24 each student approved for an education voucher, the department
25 is required to establish an account for that student in the
26 education voucher fund. The amount of the student's education
27 voucher shall be deposited into the student's account on July 1
28 and such amount shall be immediately available for the payment
29 of qualified educational expenses, as defined in the bill,
30 incurred by the parent or guardian for the student during that
31 fiscal year.

32 The bill specifies that a nonpublic school or other entity
33 that accepts payment from a parent or guardian using funds from
34 a student's account in the education voucher fund shall not
35 refund, rebate, or share any portion of such payment with the

1 parent, guardian, or student.

2 Moneys remaining in a student's account upon conclusion
3 of the fiscal year shall remain in the student's account
4 in the education voucher fund for the payment of qualified
5 educational expenses in future fiscal years during which
6 the pupil participates in the program. However, for each
7 student with a positive balance in the student's account in
8 the education voucher fund upon graduation from high school or
9 upon termination of the student's enrollment in the nonpublic
10 school, those moneys in the student's account shall be
11 transferred for deposit in the general fund of the state.

12 The bill provides that a person who makes a false claim for
13 the purpose of obtaining an education voucher or who knowingly
14 receives the voucher or makes a payment from an account within
15 the education voucher fund without being legally entitled to
16 do so is guilty of a fraudulent practice and is subject to a
17 criminal penalty. The bill allows the department of management
18 to initiate legal proceedings to recover vouchers and amounts
19 improperly awarded or paid from accounts under the bill.

20 The bill provides that a nonpublic school that accepts
21 payment from a parent or guardian using funds from a student's
22 account in the education voucher fund is not an agent of this
23 state or other political subdivision of this state.

24 The bill provides that moneys from an education voucher
25 under the bill are not taxable income under Code chapter 422.

26 Code chapter 256F establishes a process by which the
27 principal, teachers, or parents and guardians of students at an
28 existing public school may apply to the school board to convert
29 an existing attendance center to a charter school. Current
30 law requires the application to demonstrate the support of at
31 least 50 percent of the teachers employed at the school on the
32 date of the submission of the application and 50 percent of the
33 parents or guardians voting whose children are enrolled at the
34 school, provided that a majority of the parents or guardians
35 eligible to vote participate in the ballot process, according

1 to procedures established by rules of the state board.
2 The bill modifies the application requirements for
3 converting an existing attendance center to a charter school if
4 the attendance center is identified for comprehensive support
5 and improvement under the federal Every Student Succeeds Act.
6 Under those circumstances, the application does not need to
7 demonstrate teacher support and shall only be required to
8 demonstrate the support of at least 50 percent of the parents
9 or guardians voting whose children are enrolled at the school,
10 provided that a majority of the parents or guardians eligible
11 to vote participate in the ballot process, according to
12 procedures established by rules of the state board.